



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,964	12/01/2003	Diskin Elon	7640-X03-013	2857

27317 7590 02/08/2006

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER


THOMAS, LUCY M

ART UNIT	PAPER NUMBER
----------	--------------

2836

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,964	Applicant(s) ELON, DISKIN	
	Examiner Lucy Thomas	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/03/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 2-22 and 36-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 23, 34, 35 and 43 is/are rejected.
- 7) ☒ Claim(s) 24-33, 41-42, and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 2-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/03/2006.
2. Applicant's election of Species VII pertaining to Figure 8 with Claims 1, 23-44 read on the elected species in the reply filed on 1/03/2006 is acknowledged. However, it is noted that Claims 36-40 read upon Species I, not the elected species. Therefore, these claims also have been withdrawn from consideration. Applicant states that he traverses the election of species requirement as both the search and examination of all claims can be made without serious burden. Examiner notes that the elements of Claims 2-22 do not belong to the class of electrostatic discharge system, 361/220, but to the class of 280 and would require extensive searching in class 280, which would place a burden upon the Examiner. Furthermore, it is noted that once an independent generic claim has found to be allowable, its withdrawn dependent claims will be subsequently rejoined and no longer withdrawn from consideration. 37 CFR 1.141.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2836

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ware (US 2,280,327). Ware discloses an electrostatic discharge system for a road vehicle (Figure 1-5) comprising at least one electrically conducting conductor element 13 in electrical contact with an electrically conducting part of the vehicle body; actuation means 10 mountable to said vehicle, said actuation means adapted for selectively and reversibly moving said conductor element between a deployed position and a retracted position, wherein in said deployed position said conductor element is in contact with the ground such as to provide an electrical pathway for electric charge from said electrically conducting part of the vehicle body to the ground, and wherein said retracted position said conductor element is distanced from the ground such as to interrupt said electrical pathway; and control means 14 operatively connected said actuating means and to a user interface, adapted for controlling operation of said actuation means responsive to an interaction with said user interface (Column 2, lines 53-55, Column 3, lines 1-7).

The recited steps of method claim 43 would necessarily be performed when using the electrostatic discharge system disclosed in Claim 1. Therefore, please see the rejection for Claim 1 recited above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2836

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ware (US 2,280,327) in view of Wilson et al. (US 3,148,833). Ware does not disclose that said actuation means are powered by suitable power means including any one of pneumatic, electrical or hydraulic power means. Wilson discloses an actuation means (see Figure 10) powered by suitable power means including any one of pneumatic, electrical or hydraulic. It would have been obvious to those skilled in art at the time the invention was made to modify Ware's system with an actuation means powered by suitable power means as taught by Wilson, because powered actuation means facilitates more operational convenience, control and speed. Regarding Claim 34, Ware discloses a housing mountable to an underside of a said vehicle (Column 2, lines 8-12, 19-23). Regarding Claim 35, Ware discloses the system, further comprising an electrical conductor 14 fixed to the electrically conducting part of the vehicle and to the conductor element (see Figures 1, 4).

Allowable Subject Matter

6. Claims 24-33, 41-42, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 24-33 recite an actuation means including an electric motor, which is not taught by the Prior Art of record. Claims 41-42 recite a computer programmable user interface in cooperation with the control means, which is not taught by the Prior art of record. Claim 44 recites a

Art Unit: 2836

method step of providing a ground path for the vehicle, associated with operation of the handbrake system of the vehicle, which is not taught by the Prior Art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy Thomas whose telephone number is 571-272-6002. The examiner can normally be reached on Monday - Friday 8:00 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT
February 02, 2006



2/6/06

PHUONG T. VU
PRIMARY EXAMINER